

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN E. MILLER,

Defendant Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

§

§ No. 23, 2006

§

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§ Court Below—Superior Court
§ of the State of Delaware

§ in and for New Castle County

§ Cr.A. No. IN97-12-0663

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Submitted: March 16, 2006

Decided: May 18, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 18th day of May 2006, the Court has considered the appellee's motion to affirm pursuant to Supreme Court Rule 25(a) and finds it manifest on the face of the appellant's opening brief that the appeal is without merit for the reasons stated by the Superior Court in its decision dated January 5, 2006.

NOW, THEREFORE, IT IS ORDERED that the appellee's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice